

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE GALINDO, et al.,

Plaintiffs,

-v-

YUMMY FOODS DELI CORP., et al.,

Defendants.

CIVIL ACTION NO. 21 Civ. 45 (JGLC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Honorable Jessica G. L. Clarke has referred to me for Report & Recommendation (ECF No. 114) Plaintiff's motion for default judgment (ECF No. 111 (the "Motion")). By **August 10, 2023**, Plaintiff shall serve each of Defendants Yummy Foods Deli Corp., Fouad Hamoud Hadwan, and Tawfiq Hadwan (collectively, "Defendants") with copies of the Motion, including all documents and exhibits filed in support of the Motion (ECF Nos. 111–13), and a copy of this Order, and file proof of service on the docket.

Defendants shall file their response to the Motion, if any, within two weeks of Plaintiff's service thereof. **If Defendants (1) fail to respond to the Motion, or (2) fail to contact my Chambers by the date their response to the Motion is due, I intend to issue a Report & Recommendation concerning the Motion and Plaintiff's damages based on Plaintiff's written submissions alone, without an in-court hearing.** See Trans. Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("it [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in the default judgment") (quoting Fustok v. ContiCommodity Servs., Inc., 873 F.2d 38, 40 (2d Cir. 1989)).

Dated: New York, New York
August 4, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge